

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14185 of the American University, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3101.46 for further processing under the campus plan to construct a sports and convocation center in an R-5-A District at premises 4400 Massachusetts Avenue, N.W., (Square 1600, Lot 1).

HEARING DATE: November 28, 1984
DECISION DATE: January 9, 1985

FINDINGS OF FACT:

1. The subject application, for a special exception to construct a sports and convocation center, hereinafter referred to as the center, was originally scheduled for hearing on October 10, 1984. At the request of The American University, the Spring Valley-Wesley Heights Citizens Association, and Advisory Neighborhood Commission 3D (ANC 3D), the hearing was postponed until November 28, 1984, in order to facilitate further analysis of parking and traffic conditions associated with the proposed center.

2. Subsequent to the postponement, The American University formed a task force with the Spring Valley-Wesley Heights Citizens Association and ANC 3D to study the impact of spillover parking on the surrounding neighborhood. Advisory Neighborhood Commission 3E (ANC 3E) and The American University Park Citizens Association subsequently joined the task force at the invitation of the University. At the same time, the University retained Barton-Aschman Associates, Inc., to study the impact of the proposed center on spillover parking in the neighborhood.

3. The subject application was filed with the BZA on July 19, 1984. On November 27, 1984, the University filed BZA Application No. 14250 for approval to amend its Campus Plan to include a parking lot on Nebraska Avenue, (Lot 3, Square 1601), hereinafter referred to as the Nebraska Lot, in the boundaries of The American University campus and to add 219 parking spaces to the Nebraska Lot in order to carry out the terms of the Agreement of November 13, 1984, discussed below in Finding No. 38. The Nebraska Lot was not owned by the University in 1974 when the Campus Plan was approved and therefore it was not included in the Campus Plan.

4. The American University is bounded by Massachusetts Avenue on the north, Nebraska Avenue on the east, Rockwood Parkway on the south, and the Wesley Theological Seminary and University Avenue on the west. A portion of the campus also extends to the north side of Massachusetts Avenue. New Mexico Avenue intersects Nebraska Avenue in the vicinity of the campus. The subject site is in an R-5-A District. It is known as premises 4400 Massachusetts Avenue, N.W.

5. The American University proposes to construct a sports and convocation center, parking garage and adjunct services facility to be known as the Adnan Khashoggi Center. The center will consist of 104,000 square feet to be used as a sports arena which will seat approximately 4,500 persons or as a convocation center which will accommodate 6,000 seats. The center will also include 45,000 square feet to house administrative offices and student services that are now scattered throughout the campus. The parking garage is a six-story structure with a capacity of approximately 420 vehicles.

6. The University's sports and recreation needs are presently serviced by the Clendenen Gymnasium, the Cassell Center (formerly the Leonard Center) and existing recreation and athletic fields. The Clendenen Gymnasium consists of a gymnasium, physical education and recreation space, dance and theatre production facilities, and faculty and administrative offices. The Cassell Center consists of a gymnasium, recreational facilities, a swimming pool and faculty and administrative offices. The recreation and athletic fields consist of tennis courts, baseball, softball, soccer and football fields, a track and a general recreation area.

7. These existing facilities, particularly the indoor facilities, are inadequate to serve the needs of the University's recreation and athletic programs. The Clendenen Gymnasium was built approximately fifty-eight years ago and is now obsolete. The Cassell Center, built approximately forty years ago as a temporary recreational facility, is also obsolete. Basketball and swimming especially suffer from the inadequacy of the facilities for competition. Home basketball games are currently played at a gym at Fort Myer in Arlington, Virginia, which the University rents annually. Swimming meets are conducted in a non-regulation sized pool. All sports are hampered by inadequate practice facilities, equipment facilities, and locker and shower rooms. The proposed center is designed to overcome these problems by providing better recreation and sports facilities.

8. The construction of the proposed center will require the Clendenen Gymnasium and McKinley Annexes I and II to be razed. The construction will also displace a total of 261 parking spaces, including a 205 space surface parking lot and fifty-six curb-side parking spaces which are located

along the portion of the main roadway, a private road, which travels through the site of the proposed center. The road will be realigned in order to provide direct access to the proposed center.

9. The proposed relief may be granted through a special exception under Paragraph 3101.46 of the Zoning Regulations. The Regulations require that:

- (A) The use is so located that it is not likely to become objectionable to neighboring property because of noise, traffic, number of students, or other objectionable conditions;
- (B) In R-1, R-2, R-3, R-4, R-5-A and R-5-B Districts the maximum bulk requirements normally applicable may be increased for specific buildings or structures provided the total bulk of all buildings and structures on the campus shall not exceed the gross floor area prescribed for the R-5-B District; and
- (C) The applicant shall submit to the Board a plan for developing the campus as a whole, showing the location, height, and bulk, where appropriate, of all present and proposed improvements, including, but not limited to buildings, parking and loading facilities, screening, signs, streets, and public utility facilities, athletic and other recreational facilities and a description of all activities conducted or to be conducted therein, and of the capacity of all present and proposed campus development.

10. The American University was established by a Special Act of the Congress of the United States approved February 24, 1893. It is an accredited university, is authorized to confer degrees, and qualifies as a university under the Zoning Regulations.

11. The American University Campus Plan was approved September 3, 1974, by this Board in BZA Case No. 11646.

12. The only new construction of buildings undertaken by the University, in accordance with the approved 1974 Master Plan, has been Phase I of the Library Learning Resource Center on the south end of the campus mall (BZA Case No. 12228, April 1, 1977). Other matters involving the Campus Plan include the approval of a satellite ground terminal as further processing under the Campus Plan (January 9, 1980, BZA Case No. 13095), and an amendment to the Campus Plan to include Nebraska Hall, the former Baptist Home, at 3700 Nebraska Avenue, N.W., for use as a dormitory and

adjunct student health services facility (October 5, 1981, BZA Case No. 13680).

13. The 1974 Campus Plan includes a parking garage and a health and recreation center in the same location as the proposed center, just behind the Mary Graydon Center. The adjunct services facility, although not specifically mentioned in the 1974 Campus Plan, will house ancillary facilities now located elsewhere on the campus and will replace facilities to be demolished for the construction of the proposed center. The proposed center is consistent with the 1974 Campus Plan.

14. The American University campus, with the addition of the proposed center, will be well within the total allowable FAR of 1.8 permitted by the Zoning Regulations for colleges and universities in the R-5-A District.

15. The site of the proposed center is located in the center of the campus, approximately 1,000 feet north of the intersection of Massachusetts and Nebraska Avenues, N.W. It is located between the Asbury Administration building and McKinley Annexes I and II on the west, the amphitheater and the Hughes-McDowell-Leonard Dormitory complex on the east, the Mary Graydon Center on the south and tennis courts on the north.

16. The primary purpose of the proposed center is to provide a facility for athletic classes and intramural sports. The secondary purpose of the proposed center is to provide a facility for intercollegiate sports and special functions such as lectures, concerts and graduation exercises.

17. There are presently 11,322 students enrolled at the University, of which 6,118 are full-time students and 5,204 are part-time students. Out of the total enrollment, 744 individuals take classes strictly off-campus, leaving 10,578 persons taking classes at the main University campus. There are currently 2,658 resident students, leaving 7,920 students commuting to the University in one form or other.

18. With respect to faculty and staff, there are approximately 385 full-time and 450 part-time faculty members, together with 749 full-time staff members. There are also approximately 1,250 part-time staff members which includes non-students, students, college work study, and graduate assistants. The proposed center will not increase the campus population of students, faculty and staff.

19. In a report dated November 7, 1984, Barton-Aschman Associates, Inc. recommended that the University provide a net gain of 387 parking spaces to its total parking supply

in order to meet parking demands that will be generated by the proposed center.

20. Based on the Barton-Aschman recommendation, the University now proposed to provide a net increase of 387 spaces. Of the 387 spaces, 159 net new spaces are to be provided in the garage component of the proposed center. The garage will contain 420 spaces which will result in a net gain of 159 spaces with the removal of 261 surface lot and curb spaces. The remaining 219 spaces are proposed to be provided on the Nebraska Lot.

21. The applicant argued that, based on the rationale in the Barton-Aschman report, the number of parking spaces to be provided and the agreement with the ANC and the Spring Valley-Wesley Heights Citizens Association, the proposed center would not be objectionable because of parking or traffic. The assumptions included in the Barton-Aschman analysis related to the type of event, the number of seats available, the attendance rate, the percent of resident students attending the event, the number of seats occupied by students, faculty and staff who are already on campus immediately before the time the event will be held, the number of seats occupied by students, faculty and staff who would normally leave by 5:00 P.M. but decide to stay for an event, the number of seats occupied by new arrivals to the campus, the percent of arrivals who arrive by some mode of travel other than auto, and the automobile occupancy rate for those who do arrive by auto.

22. Massachusetts Avenue is a forty-eight foot wide minor arterial street with two lanes of traffic in the peak direction during peak periods. It has an average daily traffic volume of 29,200 vehicles near the site. Three-hour parking is allowed in the east curb lane between 7:00 A.M. and 4:00 P.M., west of the American University access entrance. On the west side, three-hour parking is allowed from 9:30 A.M. to 4:00 P.M.

23. Nebraska Avenue is a forty foot wide minor arterial street with two lanes of traffic in each direction. It has an average daily traffic volume of 33,200 vehicles near the site. Parking is prohibited on both sides of the street adjacent to the site at all times.

24. New Mexico Avenue is a forty foot wide minor arterial street with one lane of traffic in each direction. It has an average daily traffic volume of 12,200 vehicles near the site. Three-hour parking is allowed from 8:00 A.M. to 6:30 P.M. on both sides of the street.

25. Rockwood Parkway is a thirty foot wide local collector street. It has an average daily traffic volume of 4,400 vehicles near the site. Residential permit parking is

in effect on the north side of the street until 6:30 P.M. Parking is prohibited on the south side at all times.

26. University Avenue is a thirty foot wide local street. Residential permit parking is in effect on the west side until 6:30 A.M. On the east side, along University property, three-hour parking is allowed from 8:00 A.M. to 5:00 P.M.

27. The site is served directly by the N2, N4, N5 and N6 bus routes operating on Massachusetts Avenue. In addition, the Tenleytown Metrorail station is approximately one mile from the University and is connected to it by the M3 and M4 bus routes operating on Nebraska Avenue.

28. The Office of Planning (OP), by report dated November 31, 1984, recommended approval of the application. The OP reported that the proposal was consistent with the approved Campus Plan. The OP further reported that to mitigate the potential impacts of the proposed center, the Office of Planning recommended that the conditions of Paragraph 1 of the agreement between the applicant, the ANC and the Citizens Association, be made part of the Board's Order. Also, the OP suggested that the recommendations made by the Department of Public Works (DPW) on pages five and six of its report should be made part of this order. The Board concurs with the general recommendation of the OP. As to specific conditions listed in the agreement and in the recommendations of the DPW, the Board will limit the granting of the application only to those conditions the Board finds pertinent to the subject application.

29. The Department of Public Works (DPW), by memorandum dated November 21, 1984, reported that it had reviewed the report dealing with parking and traffic conditions prepared for the American University by Barton-Aschman Associates, dated November 7, 1984, and the report dealing with traffic, parking and circulation prepared for the University by DeLeu Cather (March 1974). Both reports have identified problem areas, as well as opportunities for improvements, regarding the impact of University vehicular traffic on residential streets surrounding the campus. The DPW also reviewed the agreement between the American University, the Spring Valley-Wesley Heights Citizens Association and Advisory Neighborhood Commission 3D executed on November 13, 1984.

30. The DPW found that American University presently provides 2,112 parking spaces to service the campus, compared to the 1,723 required by the Zoning Regulations. However, surveys made by both the University's traffic consultant and the Spring Valley-Wesley Heights Citizens Association's traffic expert indicated that approximately 163 University-oriented vehicles may be parking in the Zone 3 permit area in the immediate vicinity of the University. Therefore, it

was assumed that University parking demand on Monday through Friday during the day would be for 2,275 parking spaces.

31. The DPW reported that the construction of the proposed center and the proposed expansion of the Nebraska Lot would result in a net gain of 378 campus parking spaces. The overall on-campus parking supply would be 2,490 parking spaces. The DPW noted that there will be 225 spaces as a margin of safety to handle potential day-to-day fluctuations in demand. It further noted that the addition of the parking for the center could have the positive effect of eliminating the need for University-generated vehicles to park on neighborhood streets. The center will also reduce the number of University-related vehicles cruising on local streets in search of curb spaces.

32. The DPW further reported that regarding the functioning of the center during scheduled major events, Monday through Thursday, the DPW assumed that a shuttle bus between the main campus and the Tenleytown Metro station would be implemented by the University. The University has made a commitment to institute such a shuttle bus service. This service could be expanded to cover an area within two to three miles of the campus, where approximately 1,500 commuting students, faculty and staff reside. The University has also committed to promote a carpool system that will reserve 500 spaces on the main campus for vehicles with riderships of three or more people. If these transportation systems management elements are enforced, the DPW estimate indicated that approximately 2,000 spaces would be occupied on a typical day before an evening event. There will be 490 spaces available for non-resident students, faculty, staff and visitors attending a major event on the campus.

33. Presently, 300 to 400 students attend basketball games held at Fort Myer, according to the applicant. When these games are moved to the new center, the estimated number of attendees will range from 2,000 to 2,700 with an average of 2,350 persons, or fifty-two percent of the center's seating capacity. In the DPW's judgment, the proposed 2,490 parking spaces will be adequate to accommodate projected attendance with little or no impact on the abutting residential streets. To further ensure the protection of neighborhood streets against long-term parking during evening events, the DPW supported the University's intention of limiting the number of tickets sold to non-campus residents to 1,570.

34. With respect to the impact of the center on Friday evening, Saturday and Sunday, the DPW noted that few classes are scheduled on Friday afternoon, and none on Saturday and Sunday. The entire campus parking supply will be available on weekends to support the center's activities, including graduation exercises on Sunday. The DPW did not anticipate

that events at the center would cause any traffic or parking problems on weekends.

35. The DPW further reported that following construction of the center and the parking garage, several operational improvements can be made on the streets surrounding the University, as follows:

- (A) The primary access to the proposed center will be from Massachusetts Avenue at Glover Gate. Presently there is a "No Left Turn" restriction on westbound Massachusetts Avenue at Glover Gate between 4:00 P.M. and 6:30 P.M. This restriction will remain in force after the construction of the center garage. However, to prevent congestion on Massachusetts Avenue when the center garage is opened, standing and parking will be prohibited at all times along the north curb lane of Massachusetts Avenue between Ward Circle and 45th Street. The Department of Public Works will also request that the present bus stop on Massachusetts Avenue, directly across from Glover Gate, be moved further west in order to eliminate blockage of westbound lanes when vehicles are waiting to make left turns and buses are loading or unloading.
- (B) The DPW supported both the proposed expansion of and the new access locations for the Nebraska Avenue lot. Left turns into the lot from westbound Massachusetts Avenue will be prohibited during peak traffic periods. In order to prevent possible backup of traffic waiting to enter the lot onto Massachusetts and New Mexico Avenues, parking tickets should be issued through dispensing machines and vehicles should pay when exiting the lot at both locations. Reservoir spaces must be provided as shown on the applicant's schematic design plan dated October 13, 1984. Detailed designs must be submitted to the Department for review and approval.
- (C) The feasibility of making Rockwood Parkway one-way eastbound will be examined by the Department. The DPW would be amenable to making Rockwood Parkway one-way eastbound between Nebraska Avenue and Fletcher Gate. However, such a directional change must be the result of a decision of the residents of the area, as reported to DPW by Advisory Neighborhood Commission 3D.

36. The DPW further recommended that the University should install bicycle and motorcycle stands throughout the campus to encourage this mode of commuting to and from the University.

37. The Board concurs with the reasoning and recommendation of the report of the DPW to the extent that the report concerns itself with the subject application and not Application No. 14250, the parking lot on Nebraska Avenue, which application has yet to be heard and determined by the BZA. The Board further takes no position on the control of public streets and intersections, including on-street parking limitations, turning movements and direction of travel. Those items are solely within the jurisdiction of the DPW.

38. Advisory Neighborhood Commission 3D, by letter dated November 20, 1984, and at the public hearing of November 28, 1984, stated its support for Application No. 14185, on the condition that the terms of Paragraph 1 of the Agreement of November 13, 1984, be included in the final Order of the Board. In Paragraph 1 of the Agreement, the University agrees to do the following:

- (a) Provide and maintain at least 420 parking spaces in the parking garage component of the center. This will result in a net gain of at least 159 parking spaces on the site of the center due to the displacement of 261 parking spaces presently located at the proposed construction site.
- (b) Provide and maintain at least 219 additional parking spaces on the Nebraska Lot for a total of at least 904 parking spaces on the Nebraska Lot. Construction of the center and the Nebraska Lot shall be staged and coordinated so that at no time during the Spring or Fall semesters will any of the 261 parking spaces at the construction site be displaced until the 219 additional Nebraska Lot parking spaces have become available for use.
- (c) Maintain a total of at least 2,490 parking spaces on the University's main campus and in the immediate vicinity under the control of the University (hereinafter "University's Parking Facilities"), which total includes those spaces described in subparagraphs (a) and (b) of this paragraph 1.
- (d) Issue no more than 1,570 tickets to persons other than residents of dormitories, fraternity houses and Marian Hall (hereinafter "Campus Residents") for all events held at the center on Monday through Thursday during the regular Fall and Spring semesters. The Association and ANC agree that when the total parking spaces described in subparagraph (c) of this paragraph 1 exceed 2,510 spaces, the University may increase the number of tickets to be issued to such other persons by constructing additional parking spaces on the

University's Parking Facilities; this increase does not apply to parking spaces required to meet demand created by new facilities proposed in the future. In the event each such construction of additional parking spaces results in an increment of at least 50 new parking spaces, additional tickets may be issued at the rate of 2.5 tickets per additional parking space created by said construction. There shall be no limitation, other than the capacity of the center, on the issuance of tickets to events held on Friday through Sunday during the regular Fall and Spring semesters or at any time during the Summer semester, holidays or semester breaks.

- (e) Enforce vigorously the ticket issuance limitation set forth in subparagraph (d) of this paragraph 1, including the provision of a means of distinguishing between tickets issued to Campus Residents and tickets issued to other persons, and making available to the Association and ANC, upon reasonable notice, a record of the number of tickets in each category which have been issued for each event. Such records shall be examined on the premises of the University and shall not be removed without the express approval of the University.
- (f) Provide free parking at all of the University's Parking Facilities beginning at least one hour before the commencement of all major events at the center. The term "major event" wherever used in this Agreement shall mean any event which takes place in the center area, including all inter-collegiate basketball games and any other event, for which 1,000 tickets or more are issued. Prior to each major event, the University shall appropriately publicize the availability of free parking at the University's Parking Facilities. The University agrees to continue its present policy of free parking on Friday evening, Saturday and Sunday.
- (g) Provide parking attendants to direct traffic during major events.
- (h) Provide adequate shuttle bus service to and from the Tenleytown Metro for all major events at the center. Prior to each major event, the University shall appropriately publicize the availability of this shuttle bus service.
- (i) Construct and maintain a fence, with or without an entrance gate or gates, around the western and

northwestern boundary of the main campus from Rockwood Parkway to Massachusetts Avenue, or a portion thereof, as determined by and upon the request of the Association and ANC. The Association and ANC agree that no such request shall be made prior to construction of the center. The design and landscaping of the fence and entrance gate or gates shall be in keeping with the existing character of Spring Valley and shall be mutually agreed upon by the parties.

- (j) Apply to appropriate government agencies for permission to provide a vehicular access to the Nebraska Lot from Massachusetts Avenue and to close the Nebraska Avenue vehicular access.
- (k) Use its best efforts, if requested by the Association and ANC, to assist in obtaining the approval of the necessary District of Columbia agencies for the following: (1) implementation of new parking limitations on neighborhood streets, (2) installation of a new left-turn signal at Glover Gate on Massachusetts Avenue, and (3) designation of Rockwood Parkway as a one-way street, eastbound from Glenbrook Road to Fletcher Gate at the University.

The ANC was of the opinion that the agreement, while not a cure-all for the traffic and parking problems existing and foreseen in the residential areas adjacent to the University, represented a sound, reasonable and workable solution for incorporating the proposed center in the community.

39. A representative of the Spring Valley-Wesley Heights Citizens Association testified at the public hearing as to the Association's participation in the Agreement cited in Finding No. 38. It was the Association's opinion that while the Agreement did not solve completely the existing spillover parking problem to the neighborhood, the Agreement at least assured that the situation would not be exacerbated and that it might improve slightly the parking problem. The Association urged approval of the application as modified by the Agreement.

40. At the request of the Spring Valley-Wesley Heights Citizens Association, the University also agreed to limit the number of tickets which can be issued to non-campus residents, pending approval of the addition of parking spaces to the Nebraska Lot, for events held at the center on Friday nights. This limitation was not included in the original proposal submitted by the applicant.

41. Advisory Neighborhood Commission 3E, by letter dated November 21, 1984, reported that the Commission,

representing American University Park and Friendship Heights, had considered the application. The Commission recognized that the site of the proposed center on the American University campus did not fall within the jurisdiction of ANC 3E. Nevertheless, the ANC believed that the center had the potential to create traffic and parking problems for residents of ANC 3E, particularly those living near the University in neighborhoods north and east of Massachusetts Avenue. The ANC noted that it did not oppose the construction of the center. American University provides substantial amenities to residents of the area, particularly cultural events and sports facilities. The proposed center could enhance those amenities. However, these amenities increased traffic flow and spillover parking in the residential neighborhoods. The ANC recommended that the BZA:

- (A) Require American University to create more on-campus parking space. The proposed expansion of the Nebraska Lot along with the parking garage included with the sports and convocation center were deemed to be marginally adequate in the short run;
- (B) Require that any further decision to build a fence around the southwestern periphery of the University be submitted to the BZA for its sole review and approval;
- (C) Require that the University seek the support of the DPW for the construction of a median strip on Massachusetts Avenue where the University proposes to create a new entrance to the Nebraska Lot;
- (D) Oppose the installation of a left-hand turn signal for westbound traffic on Massachusetts Avenue at the Glover Gate; and
- (E) Require the University to develop plans for improving access to the campus by use of alternatives to the private passenger automobile. Improved bus service from WMATA and/or shuttle bus arrangements to the Tenleytown and Friendship Heights Metro stations should mitigate the parking shortage on or near the campus.

42. There was opposition to the application on the part of the Embassy Park Homeowners Association, the Westover Place Homeowners Association and private citizens. The Board accepted all these objectants as parties.

43. The basic grounds for the opposition were as follows:

- (A) The Board should not decide the subject application until the Board heard and decided Application No. 14250, the proposed continuation and expansion of the Nebraska Avenue parking lot. It was the opinion of the opposition that the applications were interrelated. Both concerned the traffic and parking elements common to the operation of the University. Each application was dependent upon the other.
- (B) Neighborhoods outside of the boundaries of Spring Valley and Wesley Heights had no input in the Agreement even though they were on the periphery of the campus boundaries and their streets were the potential recipients of the overspill traffic and parking problems.
- (C) The proposed amount of parking spaces were still insufficient for the needs of the University.
- (D) Some of the parking spaces included in the total of 2,490 spaces available to the University were public parking spaces.
- (e) Some of the conditions that the University is willing to impose on its use of the proposed center are not enforceable by the BZA.

Some of the parties in opposition were in favor and some opposed to fencing in parts of the University boundaries. There was also a lack of consensus as to plans for left turns from Massachusetts Avenue into the campus.

44. The Board is required by statute to give "great weight" to the issues and concerns of ANC 3D, the ANC within which the subject site is located, that have been reduced to writing in the form of a resolution. At the outset, the Board finds that its decision is limited to the subject application alone. The Board has authority to decide Application No. 14185 independent from Application No. 14250, the parking lot on Nebraska Avenue. The Board agrees that it would have been more timely and pertinent if the two applications had been heard together and even more so, if the Board was also concerning itself with a new campus plan, the preparation of which is a condition made part of this order.

45. In addressing some of the concerns expressed by ANC 3D and recited in the Agreement that are not part of the conditions listed below, as well as the concerns of ANC 3E and the opposition, the Board finds that it cannot order 219 additional parking spaces on the Nebraska Avenue parking lot since that application has yet to be heard at a public hearing. Nevertheless, based on the reports of the

applicant's traffic consultant and the Department of Public Works, the Board finds that it is necessary and appropriate to require that a minimum number of parking spaces be provided on the campus to serve the proposed center. The Board therefore will condition the subject application so that if the Board does not approve use of the Nebraska Lot for University parking as part of the Campus Plan, as requested by BZA Application No. 14250, or if the Board does not approve a sufficient number of spaces in the Nebraska Lot to meet the minimum number of 2,490 spaces, the University shall reapply to the Board with a new plan for providing the 2,490 spaces on the campus.

46. The Board takes no position on the recommendation as to the distinguishing marking on tickets for non-campus residents and a keeping of a record thereof. Such concerns are internal practices and not an issue before the Board on the subject application.

47. The Board further finds that the conditions proposed by the University, the ANC and the Citizens Association regarding lifting the ticket issuance limitation in large part are derived from the fact that the Board did not have before it for consideration the design and number of spaces in the Nebraska Lot. Since the Board has addressed those contingencies in Condition No. 2, as set forth in Finding No. 45, above, it is unnecessary to include those items in this order. Further, the Board has established limits on the ultimate size of the center and its occupancy based on the projected number of parking spaces to be provided in the long run. Accordingly, any modification of the occupancy and ticket distribution limitations must be subject to the review and approval of the Board, and can appropriately be a part of a revised campus plan to be submitted to the Board.

48. The Board finds that the applicant's traffic expert did not adequately address the car occupancy rates for events not sponsored by the University. The Board finds that the assumed car occupancy rate of 2.5 persons per car is too high a rate for such events. The Board finds that the average car occupancy is likely to be closer to the range of 2.0. In applying the rate at 2.5, the Board finds that there may be more vehicles coming to the campus than there are spaces available. The Board finds that adjusting the limit on distribution of tickets for non-University sponsored events based on a car occupancy rate of 2.0 persons per car will help insure that there will be a sufficient supply of spaces available.

49. As to the concern for fencing along the boundaries of the campus, the Board is of the opinion that such issues would be better addressed at the time when the Board reviews a new campus plan. In approving the Campus Plan for the

University in 1974, the Board did not specify a time limit by which the University would have to return to the Board for review. The Plan itself was proposed as a ten year plan, a time period which has passed. The Board will therefore require the University to submit a revised campus plan for review and approval within eighteen months.

50. As to the several recommended operational improvements on the streets surrounding the University, the Board finds that the DPW has addressed these concerns as to timeliness and feasibility in its report. The Board reiterates that it is addressing concerns relevant to the subject application. The traffic control items in public space are entirely within the responsibility and jurisdiction of the DPW.

51. Based on the traffic and parking report of November 7, 1984, the Board finds that each of the 2,490 spaces are located on private property and are not public spaces. These spaces will be available to the University's students, faculty, staff and guests.

52. The Board takes no position on the objection that all parties concerned were not adequately represented on the Task Force. The opposition was given full opportunity to represent their views at the public hearing. The record was also left open at the close of the public hearing for the opposition to supplement the record.

CONCLUSIONS OF LAW AND OPINION:

Based on the record the Board concludes that the applicant is seeking a special exception the granting of which requires that the proposal meet the requirements of Paragraph 3101.46 and that the relief requested can be granted as in harmony with the general purpose and intent of the Zoning Regulations and the relief will not tend to affect adversely the use of neighboring property.

The Board concludes that the applicant has met its burden of proof. The proposed use, as conditioned below in this grant of the application, is not likely to become objectionable to neighboring property because of noise, traffic, number of students or other objectionable conditions. The use will not have an adverse affect on the use of neighboring property. The location of the site on campus, the total parking supply proposed and the limitation on ticket issuance meets the parking demands generated by the proposed center. The center is consistent with the approved Campus Plan.

The Board further concludes that it has given to Advisory Neighborhood Commission 3D the "great weight" to

which it is entitled. Accordingly, it is ORDERED that the application is GRANTED SUBJECT to the following CONDITIONS:

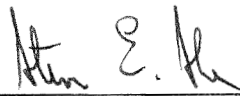
1. The seating capacity of the main area of the sports and convocation complex shall not exceed 4,500 persons when used as a sports arena and 6,000 when used as a convocation complex. Total occupancy of the main arena shall not exceed 100 persons more than the seating capacity, 4,600 persons when used as a sports arena and 6,100 persons when used as a convocation complex.
2. The University shall provide at least 2,490 off-street parking spaces on its campus. No certificate of occupancy shall be issued for the sports and convocation complex until the University has provided at least 2,490 off-street parking spaces. If the Board does not approve use of the Nebraska Avenue lot for University parking as part of the Campus Plan, as requested by BZA Application No. 14250, or if the Board does not approve a sufficient number of spaces in the Nebraska Avenue lot to meet the minimum number of 2,490 spaces, the University shall reapply to the Board with a new plan for providing the 2,490 spaces on the campus.
3. The University shall provide shuttle bus service for all events for which at least 1,000 tickets have been issued at least forty-eight hours in advance of the event. The shuttle bus service shall connect the sports and convocation complex with the Tenleytown Metrorail Station and all off-campus housing operated by the University.
4. For an event sponsored by the University held on Monday through Thursday, no more than 1,570 tickets shall be issued to off-campus residents. For the purposes of this condition, as well as Conditions No. 5, 6 and 7, an off-campus resident is one who does not reside in a dormitory or fraternity within the boundaries of the approved Campus Plan or in Marian Hall at 4300 Massachusetts Avenue, N.W. For the purposes of this condition and Conditions No. 5, 6 and 7, an event sponsored by the University includes an event sponsored by a University related organization, including any student government, faculty or staff association, fraternity council, University recognized club or other similar organization.
5. For an event sponsored by the University held on Friday, no more than 3,590 tickets shall be issued to off-campus residents.

6. For an event not sponsored by the University held on Monday through Thursday, no more than 1,256 tickets shall be issued to off-campus residents.
7. For an event not sponsored by the University held on Friday, no more than 2,872 tickets shall be issued to off-campus residents.
8. The ticket issuance limitations of Conditions No. 4, 5, 6 and 7 shall be in effect only during the Fall and Spring semesters, and shall not be in effect during the Summer semester, semester breaks and other days when classes are not scheduled to be held.
9. The University shall provide free parking at all University parking facilities beginning at least one hour before the commencement of all major events at the complex. For the purposes of this condition, a major event shall be any intercollegiate basketball game and any other event for which at least 1,000 tickets are issued. Prior to each major event, the University shall publicize the availability of free parking at University parking facilities.
10. The sports and convocation complex shall be developed in accordance with the plans marked as Exhibit No. 9 of the record.
11. Within eighteen months of the date of this order, the University shall submit an application to the Board for approval of a new campus plan to cover an appropriate period beyond 1984.
12. No fence shall be constructed along the western and northwestern boundaries of the campus pending review and approval by the Board of the new campus plan cited in Condition No. 11.

VOTE: 4-1 (Lindsley Williams, Charles R. Norris, Douglas J. Patton and Carrie L. Thornhill to grant; William F. McIntosh opposed).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 20 MAR 1985

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

14185order/KATE15

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



APPLICATION NO. 14185

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that copies of the Order of the Board in the above numbered case, said Order dated 20 MAR 1985, have been mailed postage prepaid to the following parties who appeared and participated in the public hearing concerning this matter:

J. Kirkwood White, Esq.
655 15th Street, N.W.
Wash, D.C. 20005

Robert Archer, ANC 3D
4911 W St., N.W.
20007

Walter Furst
3216 - 44th Street, N.W.
20016


Arthur Purcell, ANC 3E
4025 Chesapeake St., N.W.
20016

Ernest C. Barrett, III
Spring Valley-Wesley Heights
Citizens Assn.
3822 Fordham Rd., N.W.
20016

Donna Fitzpatrick
Embassy Park Homeowners Assoc.
4393 Embassy Park Dr., N.W.
20016

Austin Esfandiary
4401 Sedgewick St., N.W.
20016

Diane Wayman
Westover Place Homeowners Assn.
3212 - 44th Steet, N.W.
20016


STEVEN E. SHER
EXECUTIVE DIRECTOR

Date: 20 MAR 1985